

Message Text

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ORIGIN PM-07

INFO OCT-01 EUR-25 ADP-00 L-03 CIAE-00 INR-10 NSAE-00

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DRAFTED BY PM/ISO:FJFLEMINGS/SAFGC:CLKENT:GJG

7/27/73 EXT. 21003

APPROVED BY PM/ISO:JDSTODDART

L/PM - MR. MICHEL

EUR/NE - MR. FLOYD

SAFGC - MR. ALLEN

ISA/EUR - COL. ACKERSON

OSD/GC - MR. J. ALLEN

ISA/EA AND P - CAPT. SCHULLER

ISA/FMRA - MR. LONG

----- 077195

P R 272220Z JUL 73

FM SECSTATE WASHDC

TO AMEMBASSY LONDON PRIORITY

INFO SECDEF/ISA/FMRA

HQUSAF/SAFGC

C O N F I D E N T I A L STATE 148479

E.O. 11652: XGDS-1

TAGS: MARR/XP/UK

SUBJECT: PHOENIX ISLANDS FACILITY

REF: A. LONDON 5115

B. STATE 23112

THIS MESSAGE IS IN TWO PARTS: PART I CONTAINS INSTRUCTION
AND GUIDANCE; PART II CONTAINS TEXT OF A PROPOSED NOTE FOR
THE FCO.

PART I:

1. FCO LETTER REPORTED REF A IS UNFORTUNATE FROM US
VIEWPOINT SINCE IT CONSTRUES NOTIFICATION BY USG--WHICH WAS
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DONE VOLUNTARILY AND FOR THE SAKE OF COURTESY--AS REQUEST

FOR UK APPROVAL. SPECIFICALLY, EXISTENCE OF LETTER COULD LATER BE USED BY UK TO BUTTRESS ITS LEGAL CLAIM TO SOVEREIGNTY OVER ISLANDS. AS POINTED OUT IN REF B, INSTALLATION AND OPERATION OF ADDITIONAL RADAR REFLECTORS ON SYDNEY AND GARDNER ISLANDS REQUIRE NO UK APPROVAL, AND SAME APPLIES TO ANY OTHER US ACTIVITY WHICH USG PRESENTLY CONDUCTS OR MAY CARRY ON THERE IN THE FUTURE. US RIGHT TO USE FREELY PHOENIX ISLANDS STEMS FROM US CLAIMS TO SOVEREIGNTY OVER THESE ISLANDS, BUT ADDITIONALLY, RIGHT OF USG TO CONDUCT ACTIVITIES OF THIS KIND ON SYDNEY AND GARDNER

ISLANDS IS SPECIFICALLY PROVIDED IN THE 1970 AD HOC COMMITTEE REPORT, APPROVED BY THE TWO GOVERNMENTS IN 1971, AND IN EXCHANGE OF NOTES RECORDING PAYMENT TO THE UK OF \$240,000 PURSUANT TO THE 1970 AD HOC COMMITTEE REPORT.

2. IN VIEW OF THE FOREGOING, AND TO PRECLUDE ERODING US RIGHTS WITH RESPECT TO THE PHOENIX ISLANDS, EMBASSY SHOULD SUBMIT A NOTE OR LETTER TO FCO AS SET FORTH BELOW. IF, HOWEVER, EMBASSY CONSIDERS IT MORE ADVISABLE, EMBASSY MAY REQUEST FCO TO RETRACT ITS LETTER ON GROUNDS THAT US WAS NOT REQUESTING UK APPROVAL AND THAT US NOTIFICATION SHOULD NOT BE INTERPRETED AS A REQUEST FOR SUCH APPROVAL.

3. IN EITHER EVENT, IRRESPECTIVE OF WHETHER THE NOTE IS BEING SUBMITTED OR FCO IS BEING ASKED TO RETRACT ITS LETTER, EMBASSY SHOULD MENTION THAT WHILE WE ARE SATISFIED THAT INSTALLATION UNDER THE ORIGINAL PLAN WOULD NOT HAVE CREATED A HAZARD, A MORE SATISFACTORY LOCATION WAS FOUND AS THE RESULT OF A FINAL SURVEY. THE NEW LOCATION IS SLIGHTLY NORTH OF THE SOUTHERN TIP OF GARDNER ISLAND ON THE OCEAN SIDE JUST ABOVE THE HIGH TIDE LINE. ACCORDINGLY, THE REFLECTOR PLACED THERE CANNOT CREATE A NAVIGATION HAZARD TO THE HARBOR OR LAGOON PASSAGES OF THE ATOLL.

PART II:

TEXT OF PROPOSED NOTE

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THE EMBASSY HAS THE HONOR TO REFER TO THE FCO LETTER OF MAY--, 1973, ADVISING THAT HMG HAS NO OBJECTION TO THE INSTALLATION OF PASSIVE RADAR REFLECTORS ON SYDNEY AND GARDNER ISLANDS, AND REQUESTING ASSURANCE THAT THE REFLECTOR ON GARDNER DOES NOT CONSTITUTE A NAVIGATION HAZARD IN THE WEST ENTRANCE CHANNEL. THE USG CONSIDERS THAT THE PORTION OF THE LETTER STATING THAT HMG HAS NO OBJECTION TO

THE INSTALLATION OF THE REFLECTORS ON THE TWO AFOREMENTION-
ED ISLANDS INDICATES A MISUNDERSTANDING OF THE INTENT OF
THE USG. US NOTIFICATION WAS FOR INFORMATION ONLY AND
SHOULD NOT BE CONSTRUED AS A REQUEST FOR APPROVAL. IN THIS
CONNECTION, IT SHOULD BE POINTED OUT THAT THE RIGHT OF THE
US TO USE FREELY THE PHOENIX ISLANDS STEMS FROM ITS
CLAIMS TO SOVEREIGNTY OVER THESE ISLANDS. FURTHER-
MORE, TO CONDUCT ACTIVITIES, SUCH AS INSTALLATION AND
OPERATION OF RADAR REFLECTORS ON SYDNEY AND GARDNER
ISLANDS IS SPECIFICALLY PROVIDED IN THE 1970 AD HOC
COMMITTEE REPORT, APPROVED BY THE TWO GOVERNMENTS IN 1971
AND IN EXCHANGE OF NOTES RECORDING PAYMENT TO THE UK OF

\$240,000 PURSUANT TO THE 1970 AD HOC COMMITTEE REPORT.

AS TO THE INQUIRY WHETHER THE REFLECTOR ON GARDNER
MIGHT CONSTITUTE A NAVIGATION HAZARD IN THE WEST ENTRANCE
CHANNEL, THE EMBASSY IS PLEASED TO INFORM THE FCO THAT NO
SUCH HAZARD EXISTS. IN FACT, WHILE INSTALLATION OF THE
REFLECTOR AS ORIGINALLY PLANNED WOULD NOT HAVE CREATED
A HAZARD, THE REFLECTOR IS INSTALLED AT ANOTHER LOCATION
WHICH A FINAL SURVEY DISCLOSED TO BE MORE SATISFACTORY.
THE NEW LOCATION IS SLIGHTLY NORTH OF THE SOUTHERN TIP
OF GARDNER ISLAND ON THE OCEAN SIDE JUST ABOVE THE HIGH
TIDE LINE. ACCORDINGLY, THE REFLECTOR PLACED THERE CANNOT
CREATE A NAVIGATION HAZARD TO THE HARBOR OR LAGOON
PASSAGES OF THE ATOLL. ROGERS

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Disposition Authority: golinofr
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Disposition Date: 28 MAY 2004
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